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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,161

06/25/2004

Shin-ya Matsunaga

1155-0279PUS1

7426

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7590

07/10/2006

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EXAMINER

PENG, KUO LIANG

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/500,161

Applicant(s)

MATSUNAGA ET AL.

Examiner

Kuo-Liang Peng

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/13/06 Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. The Applicants' amendment filed on April 13, 2006 is acknowledged. Claims 1-15 are deleted. Claims 16-21 are added. Now, Claims 16-21 are pending.

2. Claim objection(s) in the previous Office Action (Paper No. 010706) is/are removed.

3. Claim rejection(s) under double patenting rejection in the previous Office Action (Paper No. 010706) is/are removed.

4. The text of those sections of Title 35, U.S. code not included in this action can be found in prior Office Action(s).

### ***Claim Rejections - 35 USC § 102***

5. Claims 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hakuta251 (WO 00/55251).

The following column and line numbers are based on Hakuta251's U.S. equivalent, US 6 864 315.

Hakuta251 discloses a method of preparing molded products (col. 6, lines 20-32 and Examples) made of various rubber compositions such as a rubber composition comprising components A), B), E) and F) (col. 7, lines 19-50), a rubber composition comprising components A), B), C), E) and F) (col. 14, line 48 to col. 15, line 40), a rubber compositions comprising components A), B), E), F) and with or without organopolysiloxane of formula (I) (col. 23, line 35 to col. 25, line 44), etc. The detailed characteristics of each components are further described in col. 26, line 55 to col. 39, line 28 and col. 40, line 7 to col. 41, line 42. The rubber composition can be useful for sealing or gasket material. (col. 2, lines 6-19, col. 4, lines 55-60, col. 5, lines 1-13 and col. 6, lines 53-58) Note that “for fuel cell seal” and “for a hard disk driver” are merely an intended use, and do not carry any weight of patentability. See MPEP 2111.02. Furthermore, Hakutga251 teaches the use of rubber composition for making electric wire joint (i.e., cable connector seal) (col. 15, lines 53-65, col. 16, lines 33-52, etc.). The molding process can be reaction injection molding, compression molding, etc. (col. 15, line 66 to col. 16, line 8 and Examples)

6. Claims 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hakuta407 (WO 01/98407).

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The following column and line numbers are based on Hakuta407's U.S. equivalent, US 6 743 862.

Hakuta407 discloses a method of preparing molded products (col. 22, lines 36-48 and Examples) made of various rubber compositions such as a rubber composition comprising components A), B), C), D) and E) (col. 2, line 64 to col. 4, line 53), etc. The detailed characteristics of each component are further described in col. 6, line 46 to col. 15, line 7. The rubber composition can be useful for sealing or gasket material. (col. 5, lines 10-18, 39-46 and 61-63) Note that "for fuel cell seal" and "for a hard disk driver" are merely an intended use, and do not carry any weight of patentability. See MPEP 2111.02. Furthermore, Hakutga251 teaches the use of rubber composition for making electric wire joint (i.e., cable connector seal) (col. 20, lines 49-56) The molding process can be reaction injection molding, etc. (col. 22, lines 36-48 and Examples)

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either

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Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp  
June 27, 2006

  
Kuo-Liang Peng  
Primary Examiner  
Art Unit 1712